

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 20 2013 ★

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LEMUAL SWINEY,

Plaintiffs,

- against -

160 RESTAURANT CONCEPTS, LLC,

Defendants.
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AMON, Chief United States District Judge.

On August 6, 2012, plaintiff Lemual Swiney commenced this action against defendant 160 Restaurant Concepts, LLC, alleging employment discrimination. On February 14, 2013, Magistrate Judge Cheryl L. Pollak directed Swiney to obtain the address of the owner of the restaurant, which is no longer in business, and to submit that information to the Court by March 15, 2013. Swiney failed to respond, and accordingly, on March 20, 2013, Magistrate Judge Pollak issued a Report and Recommendation ("R&R") recommending that Swiney be given one final thirty (30) day period to serve defendant, after which, should she fail to serve defendant, the action be dismissed without prejudice for failure to serve pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Neither party has objected to the R&R, and the time for doing so has passed. Swiney, moreover, still to this date has not responded to Magistrate Judge Pollak's Order or otherwise communicated with the Court. Finding no clear error on the face of the record, the Court hereby adopts Magistrate Judge Pollak's R&R. Accordingly, Swiney is directed to serve defendant within 30 (thirty) days of the date of this Order. Should she fail to serve defendant within this time period, this action will be dismissed without prejudice.

SO ORDERED.

Dated: Brooklyn, New York
May 16, 2013

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge